

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ACME INVESTMENTS, INC,
d/b/a IVANHOE HOUSE
APARTMENTS,
and LAURIE COURTNEY,

Defendants.

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States to enforce the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, ("Fair Housing Act"), 42 U.S.C. §§ 3601 et seq.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 42 U.S.C. § 3614(a).

3. Venue is proper under 28 U.S.C. § 1391(b). The claims asserted herein arose in the Eastern District of Michigan and concern or otherwise relate to real property located in the Eastern District of Michigan.

4. Defendant ACME Investments, Inc., d/b/a Ivanhoe House Apartments ("Ivanhoe Apartments") is a domestic corporation formed in 1972 pursuant to Michigan law with a registered office address in Troy, Michigan. Defendant Ivanhoe Apartments owns and

operates the Ivanhoe House Apartments located at 1533 Pine Valley Boulevard in Ann Arbor, Michigan.

5. Defendant Laurie Courtney resides in the Eastern District of Michigan. At all times relevant to this action, she has been the Property Manager at Ivanhoe Apartments.

6. Ivanhoe Apartments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

7. The Fair Housing Center of Southeastern Michigan has conducted a series of tests at Ivanhoe Apartments to evaluate the Defendants' compliance with the Fair Housing Act and provided the results of that testing to the Department of Justice. The Department of Justice has reviewed that information and also otherwise investigated the Defendants' housing practices. The investigation has revealed that the Defendants are engaging in practices in the rental of apartments that treat African American persons less favorably from white persons.

8. Since at least January 2008, the Defendants have engaged in practices that discriminate on the basis of race or color. Such practices include, but are not necessarily limited to,

- a. Denying the availability of apartments for rent or inspection to African American persons while at the same time telling white persons about apartments available to rent or inspect;

b. Failing to provide African American persons information about the availability of apartments to rent or inspect that is full, complete, and consistent with the information provided to white persons;

c. Failing to provide to African American persons the same terms, conditions, or privileges related to the renting of apartments as are provided to white persons; and

d. Refusing to accept or process applications by African American persons because of their race or color.

9. In taking the actions alleged in this Complaint, the Defendants have violated Section 804 of the Fair Housing Act, 42 U.S.C. § 3604, by, among other things,

a. Refusing to negotiate for the rental of, or otherwise making unavailable or denying dwellings to persons because of race or color, in violation of 42 U.S.C. § 3604(a);

b. Discriminating against persons in the terms, conditions or privileges of rental, or in providing services in connection therewith, because of race or color, in violation of 42 U.S.C. § 3604(b); and

c. Representing to persons because of race or color that dwellings are not available for inspection or rental when such dwellings are in fact so available, in violation of 42 U.S.C. § 3604(d).

10. The conduct of the Defendants as alleged in this Complaint constitutes:

- a. A pattern or practice of resistance to the full enjoyment of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.; and
- b. A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., which denial raises an issue of general public importance.

11. There are persons who have been harmed by the discriminatory housing practices engaged in by the Defendants. Such persons have been injured by a discriminatory housing practice and are aggrieved persons as defined in 42 U.S.C. § 3602(i).

12. The Defendants' conduct alleged in this Complaint was intentional, willful, and taken in disregard of the rights of others.

WHEREFORE, the United States prays that the Court enter an order that:

1. Declares that the Defendants' policies and practices, as alleged herein, violate the Fair Housing Act;
2. Enjoins the Defendants, their officers, employees, agents, successors, and all other persons in active concert or participation with them, from:

a. discriminating against any person on the basis of race or color in any aspect of the rental of a dwelling;

b. failing or refusing to notify the public that dwellings owned or operated by the Defendants are available to all persons on a nondiscriminatory basis;

c. Failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, the victims of the Defendants' unlawful practices to the position they would have been in but for the discriminatory conduct; and

d. Failing or refusing to take such affirmative steps as may be necessary to prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the extent practicable, the effects of the Defendants' unlawful practices;

3. Awards monetary damages to all persons aggrieved by the Defendants' discriminatory practices, pursuant to 42 U.S.C. § 3614(d)(1)(B); and

4. Assesses a civil penalty against each Defendant in an amount authorized by 42 U.S.C. § 3614(d)(1)(C) to vindicate the public interest.

The United States further prays for such additional relief
as the interests of justice may require.

Dated: March 3, 2010

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